

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

ROBERT CRAWFORD,

Plaintiff,

vs.

CASEY COUTURE, et al.,

Defendants.

CV 17-00004-H-BMM-JTJ

ORDER

This matter was dismissed on November 28, 2017 based upon the doctrine set forth in *Heck v. Humphrey*, 512 U.S. 477 (1994), with regard to Mr. Crawford's claims challenging his conviction and for failure to comply with the applicable statute of limitations with regard to his claims of excessive use of force. (Docs. 7, 10.) Mr. Crawford filed a Request for Stay and Abeyance on December 11, 2017. (Doc. 13.) He requests that his claims barred by *Heck* be stayed while he exhausts his state court criminal appeals due to a concern regarding the applicable statute of limitations. (Doc. 13.)

Heck provides that a prisoner "has no cause of action under § 1983 unless and until the conviction or sentence is reversed, expunged, invalidated, or impugned by the grant of a writ of habeas corpus." *Heck*, 512 U.S. at 489. The statute of limitations poses no difficulty, therefore, "while the state challenges are

being pursued, since the § 1983 claim has not yet arisen.” *Id.* As no claim arises until such time as Mr. Crawford’s conviction has been overturned, there is no reason to stay this matter.

Based upon the foregoing, the Court issues the following:

ORDER

Mr. Crawford’s Request for Stay and Abeyance (Doc. 13) is DENIED.

DATED this 4th day of January, 2018.



Brian Morris
United States District Court Judge